

Claimant left work for respondent July 14, 1998. She thereafter went to work for Cross Manufacturing. Claimant testified that at Cross Manufacturing she works as a

personnel clerk. She spends quite a bit of the day on the phone talking with new hires or trainees. She acknowledges she does use a calculator, but very little, and only occasionally uses a keyboard.

In general, the best evidence suggests that claimant's work for respondent was the origin of claimant's hand complaints. The evidence also suggests relatively minimal repetitive hand activity in subsequent employment with Cross Manufacturing. Claimant does not testify that she left work at respondent because of the injuries. On the other hand, it does appear, as the ALJ has noted, that claimant had not been released from medical treatment at the time she changed jobs.

The Appeals Board agrees with and affirms the conclusion that claimant suffered personal injury by accident arising out of and in the course of her employment with respondent. The change in employment appears to be from one which involved repetitive work to one which did not. The date of accident cannot, in this case, be fixed under the standards of *Berry v. Boeing Military Airplanes*, 20 Kan. App. 2d 220, 885 P.2d 1261 (1994). Claimant has not left any employment because of the injury. Rather, the date of accident, at least under these facts as currently presented, would more likely be fixed under either *Condon v. Boeing Co.*, 21 Kan. App. 2d 580, 903 P.2d 775 (1995) or *Alberty v. Excel Corp.*, 24 Kan. App. 2d 678, 951 P.2d 967, rev. denied 264 Kan. \_\_\_\_ (1998). In either case, the Board concludes it is appropriate at this stage of the proceedings to assess medical expenses against respondent and affirms the Order by the ALJ.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order entered by Administrative Law Judge Pamela J. Fuller on November 5, 1998, should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of January 1999.

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BOARD MEMBER

c: Jama Hommertzheim, Kinsley, KS  
Richard J. Liby, Wichita, KS  
Pamela J. Fuller, Administrative Law Judge  
Philip S. Harness, Director